



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3231

04 JAN 2007

NGB-ARH

MEMORANDUM FOR MILPO's

SUBJECT: Guidance on Settlement of Wasson Class Action Lawsuit (NGB-ARH Policy Memo #06-086)

1. References:

a. National Guard Regulation (NGR) 600-100, 15 Apr 94, Subject: Commissioned Officers – Federal Recognition and Related Personnel Actions.

b. Settlement Agreement, Larry J. Wasson vs. Francis J. Harvey, in his official capacity as Secretary of the Army, U.S. District Court for the Western District of Oklahoma, case No. CIV-04-945-C.

2. This memo provides guidance on the management of officers involved in reference 1b. Reference 1b was a lawsuit brought against the Army which charged that the 2002-2003 Reserve Component (RC) Department of the Army (DA) Major Army Promotion List (APL) board was given incorrect guidance concerning the military education requirement for promotion to captain.

3. As part of the settlement all officers who were part of this lawsuit were reconsidered for promotion by a standby board. Officers who were selected for promotion who separated from the military completely were directed to be put in the Individual Ready Reserve (IRR) and promoted.

4. For those officers still in the Army National Guard in either an enlisted or warrant officer capacity states should take action to reappoint the Soldier in his or her previous commissioned status with an effective date before they were reverted into enlisted or warrant status (or discharged from the military). After they are reappointed, they will be promoted, via Federal Recognition Board, and the NGB Form 89 should reflect a description that this action is in order to comply with this class action suit. This action will only apply to those officers who were selected by the standby board.

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5. Officers will have been notified by letter from Human Resources Command – St. Louis if they are affected by this action.

6. Point of contact for this action is the Personnel Policy Branch, NGB-ARH-S, DSN 327-3400 or 703-607-3400.

A handwritten signature in black ink, appearing to read "Tammy L. Miracle", is positioned above the printed name.

TAMMY L. MIRACLE
COL, GS
Chief, Personnel Policy
and Readiness Division